IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 27TH NOVEMBER 2006 / 6TH AGRAHAYANA 1928

Crl.Rev.Pet.No. 4125 of 2006()

CRA.145/2006 of SESSIONS COURT, KOTTAYAM
CC.769/2003 of JUDL. MAGISTRATE OF FIRST CLASS, KOTTAYAM

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REVN. PETITIONER//APPELLANT/ACCUSED:

THRESIAKUTTY, PURAYIDOM-PURAYIDATHIL
HOUSE, CHETTIMATTOM, PALA P.O.,
KOTTAYAM DISTRICT.

BY ADV. SRI.JOHNSON MANAYANI

RESPONDENTS/RESPONDENTS/ COMPLAINANT & STATE:
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1. K.K. BABU, KAROOMADOM HOUSE,
PALLOM, KOTTAYAM.

2. STATE OF KERALA, REP. BY ITS
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR ADV. SHRI C.K. SURESH.

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 27/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T. SANKARAN, J.

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CRL. R.P. 4125 OF 2006

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Dated this the 27th November , 2006

O R D E R

The petitioner was convicted for the offence under section 138 of the Negotiable Instruments Act and he was sentenced to undergo simple imprisonment for five months and to pay compensation of Rs. One lakh. In default of payment of compensation, the petitioner was directed to undergo simple imprisonment for one month. The petitioner challenged the conviction and sentence in appeal. The appellate court confirmed the conviction, but reduced the sentence to imprisonment till the rising of the court. The direction to pay compensation was confirmed. However, the default sentence was enhanced to three months.

2. In the manner in which I propose to dispose of this Revision Petition, I do not think that notice need be issued to the first respondent / complainant. Learned counsel for the petitioner submitted that a reasonable time may be granted to the petitioner to pay compensation. It is submitted that at present, the petitioner is facing financial difficulties and that three months' time is required to raise the funds to pay compensation.

In the facts and circumstances of the case, the request is accepted.

In the result, the Crl. Revision Petition is dismissed and the conviction and the sentence are confirmed. However, the petitioner is granted three months' time to pay compensation . The default sentence shall be kept in abeyance for a period of three months.

K.T. SANKARAN,
JUDGE.

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